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15 Attorneys for Plaintiffs EVERETT JEWETT

16 UNITED STATES DISTRICT COURT
 17 EASTERN DISTRICT OF CALIFORNIA

18 EVERETT JEWETT,
 19 Plaintiffs,
 20 v.

Case No. 2:13-cv-0882 MCE AC (PC)

**JOINT STIPULATION AND ORDER
 GRANTING PLAINTIFF LEAVE TO FILE
 FIFTH AMENDED COMPLAINT**

Date Filed: May 16, 2013

Trial Date: Not Assigned

21 SHASTA COUNTY SHERIFF'S
 DEPARTMENT, A PUBLIC ENTITY; Dr.
 22 JEREMY AUSTIN, an individual; MARY
 BARNES, an individual; JAMES
 23 ROEMECH, an individual; Tom Bosenko,
 as Sheriff of the Shasta County, and
 24 SHASTA COUNTY, a public entity; and
 CALIFORNIA FORENSIC MEDICAL
 25 GROUP, INC. a private entity,

26 Defendants.

1 The parties, through their attorneys of record, stipulate and jointly agree to the filing of
2 Plaintiff's Fifth Amended Complaint.

3 1. The parties have previously filed, and been granted, three requests for an extension
4 of the discovery cut-off date dispositive motion deadline and one request for an extension to file a
5 fifth amended complaint. The parties' prior requests for an extension of the discovery cut-off
6 were granted on March 4, 2015, August 28, 2015, and March 16, 2016. The parties' prior request
7 for an extension to file a fifth amended complaint was granted on May 17, 2016.

8 2. The Proposed Amended Complaint would be Plaintiff's fifth amended complaint
9 and Plaintiff's first amended complaint while represented by counsel.

10 3. The proposed Fifth Amended Complaint would cause the following changes:

11 A. Add Defendants Shasta County, Sheriff Tom Bosenko, named solely in his
12 official capacity in the injunctive relief claims only, and Does 1 through
13 25;

14 B. remove Defendants Dr. Jeremy Austin, Mary Barns, and James Roemech;

15 C. add claims against Defendants Shasta County Sheriff's Department, Tom
16 Bosenko, Shasta County, and California Forensic Medical Group, under
17 Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq.),
18 California Government Code Section 11135, et seq. and California
19 Government Code § 4450, et seq.;

20 D. add a claim against all Defendants under the Bane Act (California Civil
21 Code Section 52.1);

22 E. add a claim against California Forensic Medical Group under the Unruh
23 Civil Rights Act (Cal. Civil Code §51, et seq.) and Title III of the
24 Americans with Disabilities Act (42 U.S.C § 12181 *et. seq.*;

25 F. add the following individual plaintiffs who seek injunctive and declaratory
26 relief arising out of the same policies and procedures that were challenged
27 in the Fourth Amended Complaint: Glen Harold Everett, Michael Donald
28 Ackley, and Harold Robert Marquette;

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G. add Legal Services for Prisoners with Children (“LSPC”) as an organizational plaintiff;

H. amend these claims for injunctive relief such that they are made on a class-wide basis.

4. The parties collectively agree that Defendants reserve the right to challenge class certification.

5. Defendants request 45 days from filing of the Fifth Amended Complaint to answer or otherwise respond to the Complaint.

6. The parties collectively request leave from the Court to allow for the filing of the Fifth Amended Complaint attached hereto as Exhibit A.

Dated: May 25, 2016

KEKER & VAN NEST LLP

By: /s/ Taylor Gooch
STEVEN P. RAGLAND
AJAY S. KRISHNAN
TAYLOR GOOCH

Attorneys for Plaintiffs
EVERETT JEWETT

Dated: May 25, 2016

LAW OFFICES OF JEROME M. VARANINI

By: /s/ Jerome Varanini (as authorized on May 25, 2016)
JEROME MARTIN VARANINI

Attorneys for Defendants
CALIFORNIA FORENSIC MEDICAL GROUP,
INC., DR., JEREMY AUSTIN, MARY BARNES,
AND JAMES ROEMMICH

Dated: May 25, 2016

BRICKWOOD LAW OFFICE

By: /s/Gary Charles Brickwood (as authorized on May 25, 2016)
GARY CHARLES BRICKWOOD

Attorneys for Defendant SHASTA COUNTY
SHERIFF'S DEPARTMENT

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I hereby attest that I have on file all holographic signatures corresponding to any signatures indicated by a conformed signature (/S/) within this e-filed document.


ORDER

On May25, 2016, the parties, through their attorneys of record, filed a Joint Stipulation and [Proposed] Order granting the filing of Plaintiff's Fifth Amended Complaint. Good cause appearing, the motion is granted.

Accordingly, IT IS HEREBY ORDERED that the Court grants leave for Plaintiff to file a Fifth Amended Complaint.

IT IS SO ORDERED.

Dated: June 1, 2016


MORRISON C. ENGLAND, JR
UNITED STATES DISTRICT JUDGE